

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No.: 22-006 (DWF)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	POSITION OF THE UNITED
v.)	STATES WITH RESPECT TO
)	SENTENCING
JEROME FLETCHER HORTON, JR,)	
)	
Defendant.)	

The United States of America, by and through its attorneys, Andrew M. Luger, United States Attorney for the District of Minnesota, and Thomas Calhoun-Lopez, Assistant United States Attorney, hereby submits this memorandum setting forth its position with respect to sentencing factors in this matter.

BACKGROUND

I. The Presentence Investigation Report

The United States agrees with the conclusions set forth in the Presentence Report (Document No. 31, (PSR)) concerning the Guidelines calculations. Because the offense involved a semiautomatic firearm capable of accepting a large capacity magazine, and Horton was convicted under 18 U.S.C. § 922(a)(6) and committed the offense with knowledge, intent, and reason to believe the offense would result in the transfer of a firearm to a prohibited person, the base offense level is 20. (PSR ¶ 17.) Because the offense

involved between 25 and 99 firearms, six levels are added. (PSR ¶ 18.) With credit for acceptance of responsibility, the Defendant's total offense level is 23. (PSR ¶ 26.) In criminal history category I, the Guideline range is 46–57 months' imprisonment. (PSR ¶ 32, 69.)

II. The Appropriate Sentence in Light of 18 U.S.C. § 3553(a)

The United States respectfully requests the Court first take the advisory guidelines into account as the starting point of its analysis, then render its final determination in light of all of the factors set forth in 18 U.S.C. § 3553(a) relevant here, including all filings in this case.

Date: June 7, 2022

Respectfully Submitted,

ANDREW M. LUGER
United States Attorney

s/ Thomas Calhoun-Lopez
BY: THOMAS CALHOUN-LOPEZ
Assistant U.S. Attorney
Attorney ID No. 480908DC